

07/31/01  
J1131 U.S. PTO

PATENT  
ATTORNEY DOCKET NO.: 044595-5004

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09/919452  
07/31/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Arthur W. WETZEL et al.

For: "A SYSTEM FOR CREATING MICROSCOPIC DIGITAL MONTAGE IMAGES"

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.
2. The papers enclosed to obtain a filing date are as follows:
  - 19 Pages of Specification
  - 1 Title Page
  - 13 Pages of Claims
  - 1 Page of Abstract of the Invention
  - 10 Sheets of drawings containing 10 Figures
  - ☒ Figs. 2 and 4 of the drawings are in color. Three (3) sets of color drawings and a "PETITION TO ACCEPT COLOR DRAWINGS" are attached. 37 C.F.R. §§ 1.84(a)(2) and 1.84(b)(2)
3. Declaration and Power of Attorney by Assignee is:
  - ☒ Enclosed and is executed by all inventors.
  - ☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
4. Language
  - ☒ English
  - ☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

☒ An assignment of the invention to InterScope Technologies, Inc. and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☐ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
|         |                 |       |
|         |                 |       |

Certified copy(ies): ☐ is/are attached. ☐ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

| Application No. | Filed |
|-----------------|-------|
|                 |       |
|                 |       |

A. Relate Back - 35 U.S.C. §119(e)

☒ The present application is a continuation-in-part of U.S. Patent Application No. 09/757,703, filed January 11, 2001, U.S. Patent Application No. 09/758,037, filed January 11, 2001, and U.S. Patent Application No. 09/788,666, filed February 21, 2001, all of which are currently pending and assigned to the assignee of the present invention.

8. Small entity status

☒ Applicants claim small entity status. See 37 C.F.R. 1.27.

## 9. Fee Calculation (37 C.F.R. §1.16)

| <b>CLAIMS FOR FEE CALCULATION</b>                        |              |              |                |  |
|--|--------------|--------------|----------------|--|
|  | Number Filed | Number Extra | at Rate of     | Basic Fee<br>Utility \$710.00<br>Design \$320.00 |
| Total Claims<br>(37 C.F.R. §1.16(c))                     | 74 - 20 =    | 54           | \$ 18.00 each= | + 972.00   |
| Independent Claims<br>(37 C.F.R.<br>§1.16(b))            | 5 - 3 =      | 2            | \$ 80.00 each= | + 160.00   |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) |              |              | \$270.00       | + 0  |
| <b>SUB-TOTAL =</b>                                       |              |              |                | <b>1,842.00</b>                                  |
| <b>Reduction by ½ for filing by a small entity</b>       |              |              |                | <b>- 921.00</b>                                  |
| <b>TOTAL FILING FEE =</b>                                |              |              |                | <b>\$921.00</b>                                  |

## 10. Fee Payment

☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ Enclosed.  
Check in the amount of \$921.00 for the filing fee; Check in the amount of \$130.00 for the petition fee; and Check in the amount of \$40.00 for the recordation fee.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

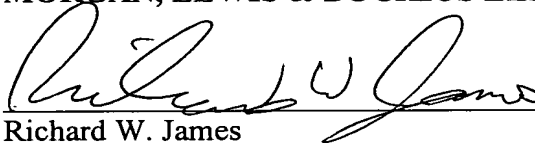
12. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 65 references included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Richard W. James  
Reg. No. 43,690

Dated: July 31, 2001

MORGAN, LEWIS & BOCKIUS LLP  
1800 M Street, N.W.  
Washington, D.C. 20036-5869  
(202) 467-7000

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Docket No. 044595-5004

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07/31/01

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Arthur W. WETZEL et al.  
Serial No. Not Yet Assigned  
Filed: Concurrently Herewith  
For: "A SYSTEM FOR CREATING MICROSCOPIC  
DIGITAL MONTAGE IMAGES"

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number ET403814946US  
Date of Deposit July 31, 2001

I hereby state the following papers are attached hereto:

Transmittal Letter (4 pages), U.S. Patent Application entitled "A SYSTEM FOR CREATING MICROSCOPIC DIGITAL MONTAGE IMAGES", comprising a specification 20 pages with title page, claims (13 pages), Abstract of the Invention (1 page), drawings (10 sheets), three sets of color drawings (Figs. 2 and 4 - 6 sheets), Petition to Accept Color Drawings (2 pages and duplicate copy), Declaration (4 pages), Power of Attorney by Assignee (3 pages) with copy of Assignment (2 pages), Recordation Form Cover Sheet (1 page), Assignment (2 pages), Information Disclosure Statement Under 37 C.F.R. § 1.97(b) (2 pages), PTO Form 1449 (4 pages), references (65), Check in the amount of \$921.00 for the filing fee, Check in the amount of \$130.00 for the petition fee and Check in the amount of \$40.00 for the recordation fee

which are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Dawna E. Mozes

Typed or printed name of person mailing paper

Dawna E. Mozes  
Signature of person mailing paper